

REMARKS

This Response is being filed within three months of the Office Action dated March 17, 2005. New claims 34-36 have been added. No additional fees are required.

In the Office Action dated March 17, 2005, the Examiner noted that claims 17-26 and 31-32 have been withdrawn from further consideration. By this Response Applicant has canceled claims 17-26 and 31-32.

In the Office Action dated March 17, 2005, the Examiner objected to the disclosure in stating that the application should be updated to reflect the status of the relied upon parent application. By this Response Applicant has amended the specification to refer to the issued status of the parent application.

In the Office Action dated March 17, 2005, the Examiner rejected claims 27-29 and 33 under 35 U.S.C. 102(b) as allegedly being anticipated by Tsukui '943. In particular the Examiner states that Tsukui "teaches a method of securing a caster (10) to a floor surface/support surface (D)." The Examiner states that "the floor surface could be used as part of a package per se and defines a packaging component as broadly claimed." The Examiner also states "Additionally, the securing bracket (12) is secured to the surface (D) via friction." Applicant respectfully disagrees with the Examiner's rejections. Each independent claim will be addressed in turn.

Claim 27: Applicant's claim 27 recites securing a caster to a "packaging component." Applicant's specification clearly recites that the packaging component is used for packaging and/or shipping of the article including the caster wherein the caster is used to prevent movement of the article on the packaging component during shipping. ("The wheels 18 rest on an upper surface 22 of a pallette 24. An outer enclosure 26, such as a rigid fiberboard container, surrounds the article 12 and the pallette 24. Since the wheels 18 [without the caster in a secured position] are free to roll along the upper surface 22 of the pallette 24, the wheels are liable to shift during shipping. Further, the wheels 18 can deform if the article 12 is stored for a prolonged period of time.") (Applicant's background section, page 3, lines 27-31).

Tsukui teaches a caster that is supported on the "earth", not on a packaging component as asserted by the Examiner (a stopper is "adapted to contact the earth for stoppage of the caster": Tsukui Abstract; Tsukui specification: column 1, line 51; and, column 2, lines 6 and 21) (emphasis added). Moreover, Tsukui teaches away from securing a caster on a "packaging component" as recited by Applicant because Tsukui teaches use of stopper 12 while their baby walking circle is in use with a baby positioned therein. (A "walking circle for [a] baby" is disclosed wherein the stopper is secured to prevent a baby held therein from walking into "a dangerous situation"

(column 1, lines 21-24), and "Upon operation of the stopper 12 ... [an] occasional change of the moving direction of the walking circle A (or the caster 10) [by the baby] does not disturb the stoppage through contact of the grounding surface 38 [of the stopper] with the earth D" (column 3, lines 35-43).

Applicant's recitation in claim 27 of a "packaging component" is not "broadly claimed" to encompass the earth, or even a "floor surface" as asserted by the Examiner. The term "packaging component" is simply meant to mean just that, a packaging component. Tsukui does not teach or suggest securing a caster to a "packaging component" as recited in Applicant's claim 27. Accordingly, for this first separate and distinct reason, Applicant requests the Examiner to withdraw the rejection of claim 27, and corresponding dependent claims 28-30, and to allow these claims under 35 U.S.C. 102(b).

Applicant's claim 27 further recites "securing" the securing bracket "to" the packaging component. Such "securing" of the caster "to" the packaging component is not merely frictional contact of a caster on a packaging component, as asserted by the Examiner. Tsukui does not teach or suggest "securing" their baby walker to the earth but instead merely teach frictional contact between their baby walker and the earth ("grounding surface 38 [for contacting the earth] described hereinafter is preferably roughened or is made of a highly frictional material."

(column 2, lines 55-57). Tsukui teach away from "securing" a caster because the baby walker of Tsukui is positioned on floor surfaces where, presumably, use of a fastener or the like would not be feasible. Tsukui does not teach or suggest any securing mechanism.

Tsukui does not teach or suggest "securing" a caster to a packaging component as recited in Applicant's claim 27. The Examiner is improperly expanding Applicant's meaning of the term "securing" to include frictional contact. Accordingly, for this second separate and distinct reason, Applicant requests the Examiner to withdraw the rejection of claim 27, and corresponding dependent claims 28-30, and to allow these claims under 35 U.S.C. 102(b).

Claim 33: Applicant's claim 33 recites "fastening the securing bracket in the secured position to the support surface". Such "fastening" is not merely frictional contact between a caster and a support surface, as asserted by the Examiner. Tsukui does not teach or suggest "fastening" their baby walker to the earth but instead merely teach frictional contact between their baby walker and the earth ("grounding surface 38 [for contacting the earth] described hereinafter is preferably roughened or is made of a highly frictional material." (column 2, lines 55-57)). Tsukui teach away from "fastening" a caster because the baby walker of Tsukui is positioned on floor surfaces where, presumably, use of a fastener or the like would not

be feasible. Tsukui does not teach or suggest "fastening" a caster to a support surface as recited in Applicant's claim 33. The Examiner is improperly expanding Applicant's meaning of the term "fastening" to include frictional contact. Accordingly, Applicant requests the Examiner to withdraw the rejection of claim 33 and to allow this claim under 35 U.S.C. 102(b).

In the Office Action dated March 17, 2005, the Examiner rejected claim 30 under 35 U.S.C. 103(a) as allegedly being unpatentable over Schultz Jr. in view of Kuhl. Applicant respectfully disagrees.

Claim 30 is dependent on independent claim 27, discussed above. For the above listed reasons, Applicant believes claim 27 is in condition for allowance. Accordingly, for the above listed reasons, Applicant believes dependent claim 30 is in condition for allowance and Applicant respectfully requests the same.

Additionally, claim 30 recites "A method according to claim 27 wherein the step of securing the securing bracket to the packaging component comprises placing a bolt through an aperture in the securing bracket and through an aperture in the packaging component." (emphasis added). Schultz teaches a table. Schultz does not teach or suggest a packaging component or securing a caster of the table to a packaging component, as recited in Applicant's claim 27. Moreover, Schultz does not teach or suggest use of a "bolt" to secure anything to any surface.

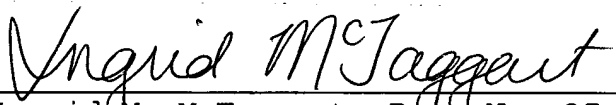
Kuhl teaches a shipping container wherein a spike 46 is positioned on the outside of a shipping container, through an extension member 30, to secure the shipping container itself to the ground. Kuhl does not teach or suggest securing a caster to a shipping container. Accordingly, Kuhl does not teach or suggest securing a securing bracket of a caster to a packaging component as recited in Applicant's claim 30. Moreover, even if Schultz and Kuhl were combined, the combination would be a table that is secured to the ground via a spike, not to a shipping container. There is absolutely no teaching or suggestion in either Schultz or Kuhl that a combination of Schultz and Kuhl would result in a securing bracket secured to a shipping container, as recited in Applicant's claim 30. Accordingly, Applicant requests the Examiner to withdraw the rejection of dependent claim 30 and to allow this claim under 35 U.S.C. 103(a).

By this Response Applicant has added new claims 34-36. New independent claim 34 recites--"moving a securing bracket into a position between the caster and a packaging component wherein the securing bracket prevents rolling movement of the caster relative to the packaging component; and fixedly securing the securing bracket to the packaging component with a fastener." Applicant believes independent claim 34 and corresponding dependent claims 35-36 are in condition for allowance and respectfully request the same.

Conclusion

Claims 27-30, and 33-36 are believed to be in condition for allowance, and such allowance is respectfully solicited. Claims 31-32 have been canceled. Accordingly, Applicant believes the application is in condition for allowance. If the Examiner should have any questions regarding this response, a call to Applicant's counsel, Ms. Ingrid M. McTaggart at (503) 230-7934, is respectfully requested. If the Examiner should have any other questions regarding the above referenced application, a call to Applicant's counsel Mr. Bob Wasson at (360) 212-2338, is respectfully requested.

Respectfully submitted,


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